IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 778 OF 2006

Smt. Pranoti Prakash Chudji .....Petitioners.
vs.
The Chief Executive Office
Slum Rehabilitation Authority
and anr. .....Respondents.

Y.S. Jahgirdar, Sr. Counsel a/w. Sanjiv Sawant
for the petitioners.

G.D. Utangale for respondent no.1.

M.D. Angal for respondent no.2 to 4.

CORAM: S.U. KAMDAR, J.

DATED: 25TH APRIL, 2006.

P.C. :

1. By consent of the parties the following order is passed :

2. That the structure in which eligibility is conferred on Respondent no.2 inrespect of Structure 20/21 in a proposed scheme inrespect of plot bearing no. 75(part) Worli Division in G/ South Ward the said

structure will not be allotted to either of the parties i.e. either the petitioner or the respondent no.2. It is further clarified that the structure will not be allotted by the authority to either party irrespective of the impugned order passed herein. The rights of the parties will be governed by the pending first appeal bearing No. 47 of 2005 and 1220 of 1997. The party who succeeds in the said appeal would be entitled to the allotment of the said structure No. 20/21 in the said rehabilitation scheme irrespective of the impugned orders passed herein. The impugned order will be governed by the final decision of the civil court in the said proceedings since the title inrespect of the said structure is a subject matter of civil proceedings. Learned counsel states that he will adopt appropriate proceedings to get himself impleaded as a party respondent to the said pending appeal. The writ petition is disposed off accordingly. No order as to costs.

sd/-

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